

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

- - - - -X

GEN-PROBE INCORPORATED,)

) NO.99cv2668 H (AJB)

Plaintiff,)

VS.)

VYSIS, INC.,)

Defendant.)

- - - - -X

CONFIDENTIAL

Videotaped Deposition of
JONATHON MICHAEL LAWRIE, Ph.D.
Durham, North Carolina
Thursday, February 15, 2001

Reported by:

Sydney C. Silva, Registered Professional Reporter

File No:

COPY

09533906-021202

1 disclosed and claimed in the 338 patent is limited 17:38:44
2 to any particular type of amplification? 17:38:48

3 MR. BOWEN: Objection, calls for a legal 17:38:50
4 conclusion. 17:38:53

5 A. You know, it's limited to the definition 17:39:05
6 we had in there for amplification so it was in 17:39:08
7 vitro, for example. 17:39:13

8 Q. Do you believe the invention disclosed 17:39:17
9 and claimed in the 338 patent is limited to the use 17:39:19
10 of nonspecific amplification? 17:39:25

11 MR. BOWEN: Objection, calls for a legal 17:39:28
12 conclusion. Leading. 17:39:30

13 A. No, it's not limited to nonspecific 17:39:39
14 amplification. 17:39:43

15 Q. Now earlier today Mr. Bowen focused you 17:39:45
16 on some portions of the specification at Column 30. 17:39:49
17 Do you have the 338 patent in front of you, 17:39:54
18 Exhibit 37? If you could look at Column 30? 17:39:59

19 Specifically it's Column 30, starting at 17:40:13
20 Line 30, where it says, "Amplification of the 17:40:15
21 target nucleic acid sequences, because it follows 17:40:19
22 purification of the target sequences, can employ 17:40:22
23 nonspecific enzymes or primers." Do you see that? 17:40:25

24 A. Yes. 17:40:27

09533906-021202

CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA)

COUNTY OF MECKLENBURG)

I, Sydney C. Silva, Notary Public within
and for the State of North Carolina, do hereby
certify:

That JONATHON MICHAEL LAWRIE, Ph.D.,
the witness whose deposition is hereinbefore set
forth, was duly sworn by me and that such
deposition is a true record of the testimony given
by the witness.

I further certify that I am not related
to any of the parties to this action by blood or
marriage, and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 23rd day of February, 2001.

SYDNEY C. SILVA

Notary Public in and for the
State of North Carolina

My Commission expires May 16, 2001.

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

17:51:49

09533906-021202